

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>JOSEPH A. THORNE,</b>	:	<b>CIVIL ACTION NO. 1:06-CV-1962</b>
<b>Plaintiff</b>	:	
	:	<b>(Judge Conner)</b>
<b>v.</b>	:	
	:	
<b>TRAUNER, COHEN AND</b>	:	
<b>THOMAS, LLP and CACH, LLP,</b>	:	
<b>Defendants</b>	:	

**ORDER**

AND NOW, this 16th day of October, 2006, upon consideration of the motion to dismiss the original complaint (Doc. 4), and it appearing that plaintiff has filed an amended complaint (see Doc. 7), see FED. R. CIV. P. 15(a) (“A party may amend the party’s pleading once as a matter of course at any time before a responsive pleading is served . . . .”), and that the amended complaint renders the original complaint a legal nullity, see Snyder v. Pascack Valley Hosp., 303 F.3d 271, 276 (3d Cir. 2002) (“An amended complaint supercedes the original version in providing the blueprint for the future course of the lawsuit.”); 6 CHARLES ALAN WRIGHT ET AL., FEDERAL PRACTICE AND PROCEDURE § 1476 (2d ed. 1990) (“Once an amended pleading is interposed, the original pleading no longer performs any function in the case . . . .”), it is hereby ORDERED that motion to dismiss (Doc. 4) is DENIED as moot.<sup>1</sup>

S/ Christopher C. Conner  
CHRISTOPHER C. CONNER  
United States District Judge

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<sup>1</sup> Although the arguments in the motion to dismiss are unaffected by the amended complaint, the court will deny the motion as moot because it is not yet fully briefed. No opposition has been filed because the brief in support was recently filed on October 13, 2006. Denying the motion as moot at this stage will allow defendants to address the new count in the amended complaint. Nothing in this order prevents defendants from re-filing the instant motion.